

SEE

FILED

SEP 23 2004

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
Pro Se [Non-Prisoner] Complaint Form

GARRY W. PROFFER, CLERK
U.S. DISTRICT COURT

[Enter the full name of the plaintiff in this action]

Melecia C Diamond

v.

[Enter the full name of each defendant in this action. If possible, please list only one defendant per line.]

(Dr. Gary Delaney)
Regional Med Center
Orangeburg, SC

Civil Action No. 5:04-22321-27BC
(to be assigned by Clerk)

If allowed by statute, do you wish to have a trial by jury? Yes ☒ No ☐

[If any answer requires additional space, please use additional paper and attach hereto.]

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☐ No ☒

B. If your answer to A is Yes, describe the lawsuit in the space below. [If more than one lawsuit, describe on another sheet of paper using the same outline.]

1. Parties to this previous lawsuit:

Plaintiff: Melicia C. Diamond

Defendant(s): Regional Med. Center (Dr. Gary Delaney)

Cell # 919 260 0598
Hm # 704 735 3398

2. Court: _____

(If federal court, name the district; if state court, name the county)

3. Docket Number: _____

4. Name(s) of Judge(s) to whom case was assigned: N/A

5. Status of Case: Still Pending

(For example, was the case dismissed? Settled? Appealed? Still Pending?)

6. Date lawsuit was filed: 09/23/04

7. Date of disposition (if concluded): _____

C. Do you have any other lawsuit(s) pending in the federal court in South Carolina?

Yes ☐

No ☒

II. PARTIES

In Item A below, place your name and address in the space provided. [If additional plaintiffs, do the same on another sheet of paper.]

A. Name of Plaintiff: Melicia C. Diamond

Address: 111 Newcastle Ave, Lincolnton, NC 28090

In Item B below, place the full name of the defendant, and his/her/its address, in the space provided. Use Item C for additional defendants, if any.

B. Name of Defendant: Regional Med. Center (Dr. Gary Delaney)

Address: 3000 St. Matthews Road, Orangeburg, SC

- C. *Additional Defendants (provide the same information for each defendant as listed in Item B above):*

III. STATEMENT OF CLAIM

State here, as briefly as possible, the facts of your case. Describe how each defendant is involved. Include also the name(s) of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets of paper if necessary.



" See Attachment "

My Complaint of Discrimination
At Regional Medical Center

this letter was typed on Wed., July 10th 2002

I was falsely accused of an incident that happened that I wasn't guilty of because
At the time I was the only African American available to place blame on.

On Monday July 8th, 2002

At 3:15pm Yvonne Daniels and I relieved the 0700-3:30pm staff to go home. We were
Doing a Greenfield balloon filter. The case was finished at about 4:15pm. As I was
breaking down my set up, I walked over to the linen or the trash can to throw something
Away. I was standing under the radio when the anesthesiologists Dr. Gary Delano came
into the room and asked to turn down the radio, since I was near the radio at the time I
turned it down, and went back to what I was doing.

Dr. Delano left the room, so Ben Riley the anesthetist went back over to the radio, and
made this comment "Now that he's gone (Dr. Delano) I can turn the radio back up." Not
only did he (Ben) turn the radio back up he also changed the CD to some rap music.

Because I don't listen to rap I tuned it out and went out the door with the X-ray aprons.

While I was out putting away the X-ray aprons, Dr. Delano came back into the room. I
don't know what all was said because I wasn't in the room at the time. He meets me at
the door that leads out to the sterile core and yells "Do you think I asked you to turn
down the radio for my benefit?" His yelling at me and the comment that he made caught
me off guard. I didn't have a clue what he was talking about, so when I went back into
the room, I asked how is he going to assumed that I turned up the radio? He yells that the
subject is closed. At the mean time, Ben who was the one who turned up the radio never
said a word. He never admitted the he was the one who turned up the radio.

There were 2 whites in the room Ben the anesthetist, and Sherry the RN.

Yvonne, and I were the 2 blacks. What saved Yvonne from being blamed was because
she was applying pressure to the patients needle stick. Now that leaves one black person
free. ME.

Because it was black music playing, he singled me out, and ASSUMED I was the one
who turned up the radio.

Now on Tuesday July 9th 2002 at 2:30pm Martha Plant the OR Nurse manager calls me to
her office and tells me that she terminated my contract. I asked why and she says
"because Dr. Delano can't work with you." I explained to her what happened, and that I
had nothing to do with turning up the radio. She says I know but we have to please our
doctors, so you have to go. He can't work with you.

During my 15 years of working in the Operating Room, I have never been treated this
way.

Melicia C. Diamond
July 10th 2002

original copy

Witness

July 18, 2002

To Whom This May Concern

This ~~is~~ my statement of the incident that occurred on July 8, 2002. We had finish the case. I was holding pressure on the patient leg for ten minutes, Sheri was in room along with Ben, Melecia.

Dr Delaney came into room the music was playing he ask Melecia to Turn the volume down on the stereo which she did. Melecia was out of the Room when Dr Delaney returns to the Room ~~the~~ and stereo ^{volume} had been turn up again by Ben because he said Dr Delaney would not be in room. But Dr Delaney did return to the Room, when he did the volume on the stereo was up, he went to door to find Melecia even though there was three other people in the Room. He said to her "did you think I ask you to turn the volume down for me. He then close the door and turn volume down. Melecia came in the door and said she was not even in the room how can you assume it was me who turn the volume up. Dr Delaney replied She was holding pressure & (as if there

was no else beside her (Melvia) and myself
in the room but there was two other people
in the room which was Carcassian and
the music was rap music. so he assume
the music was beeing played by Melvia
or myself

Yvonne V. Daniels CS7
101 Aztec Way
Acworth, GA 30102
770-846-7334


IV. RELIEF.

State briefly and exactly what you want this court to do for you.

I'm requesting back pay, pain/suffering in the amount of \$100,000.00 and a letter of apology from Dr. Larry Delaney.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 23 day of September, 2004


Signature of Plaintiff